

Headquarters

EMPLOYEE BULLETIN

PUBLIC LAW 88-643 "The Central Intelligence Agency Retirement Act of 1964 for Certain Employees"

1. Public Law 88-643, titled "The Central Intelligence Agency Retirement Act of 1964 for Certain Employees," represents the first major action in establishing a "system" within the Agency which recognizes the special character of the service performed by employees concerned with the conduct or direct support of clandestine and covert activities. This law, enacted by the 88th Congress, offers benefits not available to other Agency employees to Agency officers and employees "whose duties are determined by the Director to be (i) in support of Agency activities abroad, hazardous to life and health and (ii) so specialized because of security requirements as to be clearly distinguishable from normal Government employment."

2. It is an objective of the Central Intelligence Agency to develop a career program designed to meet the special circumstances and requirements of a career in the type of Agency service described in this act and elaborated in recently approved [REDACTED] The implementation of this act by the 88th Congress is a significant and essential step toward this objective.

3. TWO RETIREMENT SYSTEMS - CIVIL SERVICE AND CIA

- a. Heretofore, employees of the Agency have been covered by the Civil Service Retirement System. The benefits of this system are appropriate for those individuals whose conditions and terms of service are comparable to those of Federal employees generally. All employees will continue to initiate their careers in the Agency under the Civil Service system. Those who are not designated to participate in the CIA system will remain in and be retired under the Civil Service system. The attached chart describes and compares the principal provisions of the Civil Service Retirement System and the CIA Retirement and Disability System.
- b. Early in an Agency career the individual who meets the primary requirements of "serving in a career field which normally requires the performance of minimum period of qualifying service as an integral part of a career in that field" will usually be moved out of the Civil Service system and into the CIA system. Assuming that the individual's career follows the normal course, he will remain in the CIA system until he has completed 15 years of service in the Agency. At the time of his 15th anniversary in the Agency the individual will be able to exercise a choice--provided that he has completed 5 years of "qualifying service" and renews his service obligations--of either affirming his desire to remain in the CIA system for the remainder of his

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4. EARLY RETIREMENT UNDER THE CIA SYSTEM

- a. The National Security Act of 1947 provides the Director authority in his sole discretion to terminate the employment of any individual when in his judgment it is necessary or advisable in the interests of the United States to do so. This authority is applicable to all employees of the Agency. Thus, an individual's position with respect to termination of employment by decision of the Director is the same under both systems.
- b. The Agency decision in 1963 to request "early retirement legislation" for certain of its employees was based on extensive study of the problems of security, cover arrangements, and health which are encountered in carrying out many of the Agency missions in foreign areas. This study revealed that these problems tend, in most cases, to become acute beyond the age of 50, that the skills and experience acquired abroad are not readily utilized in any quantity in headquarters, and that the interest of the Agency and the individual would, in some cases, be served by the individual's retirement from the Agency at the time that his effectiveness in this type of service was being reduced because of security, cover, and health problems.
- c. The basic provision of the new CIA Retirement Act is that it permits an individual at age 50, with 20 years of Government service, including 10 years of Agency service and 5 years of "qualifying service" to retire without a reduction in annuity for age. In contrast, when an employee under the Civil Service system of comparative age and service (whether Agency or "qualifying" is not relevant) is terminated, if termination is not for cause, he becomes eligible for an immediate but reduced (15% in the case of the individual age 50) annuity. In Congressional hearings leading to the enactment of "early retirement" legislation, the problems of security, cover, and health which are encountered and reduce the effectiveness of an officer beyond the age 50 were emphasized and weighed heavily with Congressional sponsors and supporters of the act.
- d. The underlying premise of the CIA Retirement Act is that the combination of the problems encountered in performing "qualifying service" beyond the age of 50 and the inducements of early retirement benefits under the CIA system would result in a sufficient number of voluntary retirements at or soon after age 50 to permit the Agency to maintain an appropriate balance in the career groups performing the service related to this act. The provision for involuntary retirement under the act is to ensure that any necessary further adjustments can be made with equitable annuities. Implicit in the CIA Retirement Act then is the intent of the Agency to achieve a higher incidence of retirement at or soon after age 50 from within the ranks of the CIA system than from the Civil Service system. Thus, the choice exercised by the individual in the CIA system after 15 years of Agency service is an important one. A choice to remain in the Agency system automatically places him in a category of careerists from which a higher rate of early retirements, whether voluntary

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or involuntary, will occur; this choice also assures him of whatever career advantages--including those provided by the CIA Retirement Act--accrue from being a member of this group of careerists. A choice not to remain, however, provides no assurance of a longer career.

5. "QUALIFYING SERVICE" FOR PARTICIPATION IN THE CIA SYSTEM

- a. To enter the CIA system the individual must have demonstrated intent, early in his career, to perform what is described in the broad language of section 203 of Public Law 88-643 only as "qualifying service." To remain in the CIA system he must periodically have performed minimum periods of "qualifying service." And to be eligible for retirement under the CIA system he must have completed at least 5 years of "qualifying service."
- b. [REDACTED] goes much further than Public Law 88-643 in defining "qualifying service" and provides sufficient criteria for judging in most instances the qualifications of an individual for entrance into, remaining in, and being retired from the CIA system. However, both the act and the regulation permit, and indeed require, considerable interpretation in their application to a limited number of employees whose duties do not for one reason or another, fit neatly into the easily identified types of "qualifying service."
- c. For example, most duty performed overseas (outside of the 48 continental states and the District of Columbia) is "qualifying service." However, there may be a few instances in which service overseas is not directly related to clandestine or covert activity and will not be considered "qualifying service."
- d. The act and the regulation also permit service in the United States which is performed under conditions similar to those of service overseas to be considered "qualifying service." Precise criteria cannot be established for determining the conditions of domestic service which would place such service in a qualifying category. These standards will evolve in a case-by-case review of those few individuals nominated for participation on the strength of domestic service believed by their Career Services to be "qualifying." Such unusual circumstances as extremely adverse living and working conditions, and demonstrable hazard to life and health may be pertinent to these determinations.

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Application of this standard requires determinations based on conditions at a time when the individual seeks to enter other employment and on retrospective consideration of his Agency career in light of current conditions. This standard was included to provide for those rare cases when the Agency might be obliged to release, short of normal retirement age of 60 or so, an individual whose Agency experience was completely unrelated to any other field of employment or who could not be permitted to give even general information defining the scope, level, and nature of his Agency experience.

- f. Clearly the Agency has been given the broadest possible latitude for defining "qualifying service" to permit granting the benefits of the CIA system to those employees whose service merits such benefits. While the standards for determining "qualifying service" will be more clearly defined with experience in applying the act and the regulation, it is unlikely that they will become so precise that a factor of judgment will not be required. Additionally, the dynamics of intelligence work in a changing world demand that the criteria in making judgments in the context of the act be periodically reviewed.

#### 6. ADVANTAGES OF THE CIA SYSTEM

- a. The CIA Retirement and Disability System not only provides substantially all of the benefits of the Civil Service Retirement System but in addition offers distinct advantages.
- b. The CIA system provides substantially all the benefits of the Civil Service system; the advantages the CIA system offers include:
- (1) Voluntary Early Retirement: A participant in the system may, with the consent of the Director, retire upon reaching age 50 if he has at least 20 years of creditable Federal service including at least 10 years of Agency service which includes at least 5 years of qualifying service.
  - (2) No Reduction in Annuity for Retirement Before Age 60: Under the Civil Service Retirement System, all retirement below age 60, except disability retirement, requires a reduction in annuity. The reduction is 1% of annuity for each year the retiree is under age 60 to age 55, and 2% of annuity for each year he is under age 55. There is no reduction in annuity under the CIA Retirement System before reaching 60.
  - (3) More Liberal Annuity Computation Formula: Under both the CIA and the Civil Service Retirement Systems, an annuity is based on the individual's "high-5 salary," that is, his average salary for his highest paid 5 consecutive years of service. However, under the Civil Service Retirement System, the annuity is computed at 1.5% for the first 5 years of service, 1.75% for the second 5 years, and 2% of high-5 for all remaining years of service. Under the CIA Retirement System, the annuity is computed at 2% of high-5 for all years of service.

#### 7. THE ROLE OF THE CIA RETIREMENT BOARD

The implementation of the CIA Retirement Act is being carried out under the supervision of a CIA Retirement Board comprised of senior Agency officials nominated by the Director to assist and advise the Director of Personnel in the administration of the CIA Retirement and Disability System. A CIA Retirement Staff has been established in the Office of Personnel to provide staff and secretariat support in the administration of the CIA Retirement System. At least initially the CIA Retirement Board is dealing exclusively with the implementation of the new act.

This board and its functions are quite separate and distinct from the established Agency Retirement Board which handles retirement matters under the Civil Service Retirement System.

#### 8. INFORMATION ON THE CIA RETIREMENT ACT

During the past few weeks personnel officers in all components of the Agency have been briefed and provided the regulations and administrative information covering the CIA Retirement Act. Detailed information can be obtained from the Agency component personnel officers.

#### 9. ACTION REQUIRED BY THE EMPLOYEE

Unless an employee is or soon will be fifty years of age, is otherwise qualified, and desires to retire voluntarily in the near future under the CIA system, no action is required by the individual employee at this time. All career employees now on duty with the Agency who have completed three or more years of service in the Agency and who are at least 25 years old will be automatically considered for designation in the CIA system. Because of the number of employees involved, this process will probably take many months to complete. The reviews will be phased so that those employees will be considered first who may now, or soon hereafter, be eligible for retirement. Successively lower age groups will then be reviewed. The individual will formally be notified when action has been taken in his case.

#### 10. DESIGNATION TO THE CIA SYSTEM

Normally, designation of an employee with less than 15 years of Agency service to the CIA system will be largely an administrative action on the direction of the Director of Personnel who acts on the recommendation of the Head of the individual's Career Service. While the procedure provides for prior notification and individual appeal to the Director, the action of designation to the CIA system, in contrast to the choice made by the employee in the CIA system at the conclusion of 15 years of Agency service, is not a critical milestone in the career of an Agency employee with less than 15 years of Agency service. Its importance stems from the fact that this action constitutes the formalization of status as a participant in the CIA system. For the employee who has already achieved a minimum of 15 years of Agency service, who is otherwise qualified, and who is designated to become a participant in the CIA system, notification of his designation will in fact coincide with his opportunity to exercise the choice provided for at the 15th anniversary of the employee already in the CIA system.

#### 11. SERVICE AGREEMENT

A new Service Agreement, Form 3101, is the instrument which the employee must sign in assuming the obligation to perform the "qualifying service." For the present the existence in the file of a signed Career Staff form, long in use in the Agency, may be used in lieu of the new form. Form 3101 will be used whenever a new Service Agreement is required.

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12. THE CIA SYSTEM AND THE INDIVIDUAL WITH 15 OR MORE YEARS OF AGENCY SERVICE

- a. Any individual who has 15 or more years of Agency service and is otherwise qualified for participation in the CIA system but who has less than 5 years of "qualifying service" will not be designated to the system until he has completed his 5 years of "qualifying service." Once this requirement is met, his Career Service may nominate him for designation if he is still otherwise eligible. He must then exercise his choice between remaining in the CIA system or completing his Agency service under the Civil Service system.
- b. Any individual who is already eligible for optional retirement under the Civil Service Retirement System and who is also qualified to be designated as a participant in the CIA system may exercise the choice of becoming a participant and immediately retiring under the CIA system. However, there are a few cases in which Civil Service annuity would be larger than a CIA annuity because the maximum annuity is higher under Civil Service (80% rather than 70%). Generally, the higher maximum annuity makes the Civil Service Retirement System more favorable to the employee who has 36 years and 10 months or more of service. The CIA Retirement Staff will pay close attention to this factor in processing cases and will advise the individual of the respective annuities.
- c. After making a choice to remain within the CIA system on or after the 15th anniversary of Agency service, the individual may not again return to the Civil Service Retirement System. However, as a matter of policy, the CIA Retirement Board has agreed that a participant may, not later than one year prior to his retirement, apply to be removed from the system and transferred to the Civil Service Retirement System provided his annuity would be larger under the Civil Service Retirement System. (An employee must have been under the Civil Service Retirement System for at least one year during the two years immediately preceding retirement under that system.)

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COMPARISON OF PRINCIPAL PROVISIONS OF THE  
CIVIL SERVICE AND CIA RETIREMENT SYSTEMS

NOTE: This chart has been prepared to give only general information about these two retirement systems. The presentation is necessarily simplified and many technical points are not covered.

Item	Civil Service Retirement (CSR)	CIA Retirement (CIAR)	Comments
Contributions to Retirement Fund	By employee: $6\frac{1}{2}\%$ of basic pay By Agency : $6\frac{1}{2}\%$ of basic pay	Same	
<u>Computation of Annuity</u>			
Basis	Based on average salary for highest paid consecutive five years of service ("high-5") and years of creditable service.	Same	
Formula	$1\frac{1}{2}\%$ of high-5 times first 5 years of service + $1\frac{3}{4}\%$ of high-5 times second 5 years of service + 2% of high-5 times remaining years of service.	2% of high-5 times years of service	CIAR annuity is 3.75% of high-5 more than an annuity computed under the CSR formula.
Maximum	80% of high-5 (attained at 40 years 11 months of service)	70% of high-5 (attained at 35 years of service)	CSR's maximum is higher, but because of difference in annuity formula, it would take about 36 years 10 months of service under CSR to earn the CIAR maximum annuity. A CIAR participant eligible for a higher annuity under CSR may request transfer to that system.

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Group 1  
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downgrading and declassification

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Item	Civil Service Retirement (CSR)	CIA Retirement (CIAR)	Comments
<u>Computation of Annuity</u> (cont'd)			
Cost-of-living Adjustment	Effective 1 April of any year upon a price index rise of at least 3%, annuities which began earlier than 2 January of preceding year will be increased by an equivalent percentage.	Same	
Reduction for age	Annuity is reduced by 1% for each year under age 60 to age 55, and 2% for each year below age 55. This reduction does not apply in the case of disability retirement.	No reduction for age for any type of retirement.	A substantial reduction may occur under CSR, for example, 15% at age 50.
Special adjustment (1962 Pay Act)	The Federal Salary Reform Act of 1962 provided special percentage increases in Civil Service annuities on a decreasing scale over a 5-year period. Adjustment for 1965 retirements is 2%, for 1966, 1%. None after 1966.	No similar provision.	As indicated, this was a special provision of the 1962 Pay Act for Civil Service annuities only.
Optional (Voluntary) Retirement	Available at: Age 60 with 30 years' service; Age 62 with 5 years' service; Age 55 with 30 years' service, but earned annuity reduced by 5%.	Available at age 50 with 20 years' service, including 10 years' Agency service of which 5 years are qualifying, upon application and with consent of DCI.	CIAR permits voluntary retirement with full earned annuity 10 years earlier than CSR.

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Item	Civil Service Retirement (CSR)	CIA Retirement (CIAR)	Comments
Involuntary Retirement (discontinued service)	Immediate annuity available if involuntarily separated, not for cause, if: Any age with 25 years' service; Age 50 with 20 years' service. Earned annuity reduced proportionately for years under age 60.	Involuntary retirement at the discretion of the DCI if: Any age with 25 years' service; or age 50 with 20 years' service. In either case, must have 10 years of Agency service including 5 years of qualifying service.	CIAR discontinued service annuity has no reduction for age.
Disability Retirement	Available at any age with 5 years of service. Guaranteed minimum annuity is the lesser of: (1) 40% of high-5; or (2) annuity computed by extending service to age 60. Under Federal income tax, the "sick-pay" exclusion (up to \$100 per week) is applicable to disability annuity up to optional retirement age.	Same Same Same	
Mandatory (Age) Retirement	Required at age 70 with 15 years of service. (However, the Agency expects employees to retire when eligible for optional retirement without age reduction in annuity unless requested to remain in service.)	Required at: Age 65 if GS-18 or above; Age 60 if GS-17 or below. The DCI may extend a participant's service for not more than 5 years.	Although mandatory retirement ages are not the same, in most cases age 60 is the age when most employees are expected to retire.

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Item	Civil Service Retirement (CSR)	CIA Retirement (CIAR)	Comments
Deferred Annuity	An employee who is separated before becoming eligible for an immediate annuity but with 5 years or more of service may elect to leave his contributions in the Retirement Fund and receive an annuity at age 65.	Same, except that participant must have 5 years of Agency service.	
Death in Service	<p>If employee had five or more years of service:</p> <p>Widow or dependent widower receives 55% of deceased employee's earned annuity. This annuity terminates upon death or remarriage or when dependent widower becomes capable of self-support.</p> <p>Annuity provided for each unmarried child up to age 18, or over age 18 if incapable of self-support, or to age 21 if full-time student. Amount of annuity depends on whether there is a surviving spouse and number of children.</p>	<p>Same</p> <p>Same</p>	<p>Because of difference in annuity formula, survivor annuities are larger under CIAR than under CSR.</p>
Survivor Annuity to Spouse or Retired Employee	<p>At time of retirement, employee may elect to receive a reduced annuity to provide a survivor benefit to spouse. Annuity terminates on death or remarriage of surviving spouse.</p> <p>Surviving spouse receives 55% of employee's earned annuity (or of lesser base if employee elects.)</p>	<p>Same</p> <p>Same</p>	<p>Because of difference in annuity formula, survivor annuities are larger under CIAR than under CSR</p>

Title	Civil Service Retirement (CSR)	CIA Retirement (CIAR)	Comments
Survivor Annuity to Spouse of Retired Employee (cont'd)	Employee's annuity is reduced by $2\frac{1}{2}\%$ of the first \$3,600 plus 10% of balance.	Same	
Survivor Annuity to Child of Retired Employee	Same as annuity for child of employee who dies in service	Same	
Refund of Contributions	There is an automatic refund of contributions to an employee who is separated with less than 5 years of service. An employee with more than 5 years of service may elect a refund or a deferred annuity (see above).	Same except that the 5-year requirement applies to Agency service.	
Reemployment of annuitant in Federal service	Annuitant may be reemployed by the Federal Government. Generally, his annuity is offset against his salary.	Same	
Federal Employees Group Life Insurance	This life insurance (not accidental death and dismemberment) may be continued free to a retired employee if he retires on an immediate annuity with 12 or more years' creditable service, or on account of disability.	Same	
	(cont'd)		

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Item	Civil Service Retirement (CSR)	CIA Retirement (CIAR)	Comments
Federal Employees Group Life Insurance (cont'd)	The insurance, based on final employee salary (not the annuity), is reduced by 2% each month beginning at age 65 or the date such insurance as an employee would otherwise terminate, whichever is later. Maximum reduction is 75%.		
Federal Employees Health Benefits	Annuitant may retain his health benefits if he retires on an immediate annuity with 12 or more years' creditable service, or on account of disability. Premiums will continue at the same rate and be withheld from the monthly annuity payment.	Same	

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COMPARISON OF CSR AND CIAR MONTHLY  
ANNUITY RATES  
AGE 50 WITH 20 YEARS' SERVICE

HIGH - FIVE AVERAGE SALARY												
Type of Annuity	\$7,000		\$8,000		\$9,000		\$10,000		\$11,000		\$12,000	
	CSR	CIAR	CSR	CIAR	CSR	CIAR	CSR	CIAR	CSR	CIAR	CSR	CIAR
A	180	233	205	266	231	300	257	333	282	366	308	400
B	175	227	200	260	225	292	251	322	275	352	300	382
C	98	128	113	146	127	165	141	183	155	201	169	220

HIGH - FIVE AVERAGE SALARY												
Type of Annuity	\$13,000		\$14,000		\$15,000		\$16,000		\$17,000		\$18,000	
	CSR	CIAR	CSR	CIAR	CSR	CIAR	CSR	CIAR	CSR	CIAR	CSR	CIAR
A	334	433	360	466	385	500	411	533	437	566	463	600
B	323	412	346	442	369	472	393	502	416	532	439	562
C	183	238	198	256	212	275	226	293	240	311	254	330

- A - Annuity to a retired employee if survivor benefit is not elected.
- B - Annuity to a retired employee with maximum benefit to surviving spouse.
- C - Maximum benefit to surviving spouse of retired employee, or benefit to widow or dependent widower of employee whose death occurs before retirement.

Note: CSR figures are based on Discontinued Service or Involuntary Retirement annuities and do not include the percentage increases provided by PL 87-793 for individuals retiring from January 1963 through December 1966, for example, 2% in 1965.